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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,773	06/30/2000	Ryszard W. Dyrga	042390.P8723	2339

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EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/608,773	DYRGA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Odland	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,4,6,9 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Ganmukhi et al. (USPN 5,953,314), hereafter referred to as Ganmukhi.

Referring to claims 1, Ganmukhi discloses an apparatus comprising:

a first interface comprising a plurality of physical communication ports to transmit data to and receive data from a plurality of network devices (a switch comprising an interface comprising a first interface comprising a plurality of ports (see the left hand side of the switch in figure 1));

a first control unit communicatively coupled to the first interface to process at least a first subset of the data (a first control processor coupled to the first interface to process data (see figure 1 and columns 1 and 2));

a second control unit communicatively coupled to the first interface and the first control unit to process at least a second subset of the data (a second control processor coupled to the first interface and first control processor to process data (see figure 1 and columns 1 and 2));

a second interface communicatively coupled between the first interface and the first and second control units (a second interface coupled to the first interface and the two control processors (see figure 1 and columns 1 and 2)) such that either one of the first and second control

units may communicate with any of the plurality of network devices if the other of the first and second control units fails (if one control processor fails the other control processor will commence control processing of data from network devices coupled to both interfaces (see figure 1 and abstract and columns 1 and 2)).

Referring to claim 4, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses each of the first and second control units further comprises:

a memory device to store one or more data transmission protocols (the control processors have memory and control the operations of multiple protocols such as ATM and Ethernet (see figure 2 and column 2)); and

a processor coupled to the memory device to process network data based at least in part upon the one or more data transmission protocols (the control processor comprises an ATM processor (see figure 2)).

Referring to claim 6, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses that the system further comprises a non-volatile memory device coupled to the first and second control units to store configuration data for use by the first and second control units (each processor comprise non-volatile storage wherein it stores stat information (see column 4 lines 8-20)).

Referring to claims 9, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses that the first control unit is associated with a first network address and the second control unit is associated with a second network address (each of the control processors are implemented on separate cards that are inserted into a card cage and communicate over busses and back channels, therefore inherently there must be addresses associated with these

cards in order for data to be sent to the active control processor (see figure 1 and columns 2,4 and 5)).

Referring to claim 10, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses that the first and second control units each independently maintain network status information (each control processor has exclusive control over central resources and internal resources such as the Management Ethernet port, buses and alarm signals (see column 3 lines 13-36)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganmukhi in view of Kinoshita (USPN 5,802,047), hereafter referred to as Kinoshita.

Referring to claim 2, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the second interface comprises a plurality of logical communication ports. However, Kinoshita discloses a system wherein each physical port comprises a plurality of logical ports (see column 2 lines 31-50). It would have been obvious to one skilled in the art at the time of the invention to have the interfaces of Ganmukhi comprise a plurality of logical ports as discloses in Kinoshita because, as Kinoshita points out in column 2 lines 26-43, doing so

would allow the interfaces to communicate with an increased number of other network nodes without having to increase the number of physical ports.

Referring to claim 3, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the first interface comprises two logical communication ports for each one of the plurality of physical communication ports. However, Kinoshita discloses a system wherein each physical port is associated with a plurality of logical ports (see column 2 lines 31-50). It would have been obvious to one skilled in the art at the time of the invention to have the first interface of Ganmukhi comprise two logical ports as discloses in Kinoshita because, as Kinoshita points out in column 2 lines 26-43, doing so would allow the interface to communicate with an increased number of other network nodes rather than just one other node without having to increase the number of physical ports.

Referring to claim 12, Ganmukhi discloses a method of representing a plurality of physical data communication ports such that either one of a first control unit and a second control unit can communicate with any of a plurality of external devices communicatively coupled to both the first and second control units if the other of the first and second control units fails (see figure 1 and columns 1 and 2)). Ganmukhi does not disclose that the physical ports correspond to a plurality of logical data communications ports. However, Kinoshita discloses a system wherein each physical port comprises a plurality of logical ports (see column 2 lines 31-50). It would have been obvious to one skilled in the art at the time of the invention to have the interfaces of Ganmukhi comprise a plurality of logical ports as discloses in Kinoshita because, as Kinoshita points out in column 2 lines 26-43, doing so would allow the interfaces to

communicate with an increased number of other network nodes without having to increase the number of physical ports.

Referring to claim 13, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose maintaining by the first control unit, first address data corresponding to the plurality of external devices; and maintaining by the second control unit, second address data corresponding to the plurality of external devices. However, Kinoshita discloses a switching system wherein a plurality of logical ports is associated with each of a plurality of physical ports, wherein the logical ports of each physical port are grouped together according to a virtual-LAN configuration and the switching system maintains addresses associated with the groupings (see columns 2-4). It would have been obvious to one skilled in the art at the time of the invention to have the control processors of Ganmukhi each maintain the address of a plurality of external devices, as taught in Kinoshita, as Kinoshita points out in column 2 lines 26-43, doing so would allow the interfaces to communicate with an increased number of other network nodes without having to increase the number of physical ports.

Referring to claim 14, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses that the first control unit maintains the first address data and the second control unit maintains the second address data each according to at least one of a plurality of routing protocols (the control processors have memory and control the operations of multiple protocols such as ATM and Ethernet and therefore each inherently maintains addresses of nodes it needs to communicate with (see figure 2 and column 2)).

Referring to claim 15, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the one or more data transmission protocols include at least one of OSPF, BGP

or EGP. However, OSPF, BGP and EGP are well-known standardized communication protocols. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include these protocols as one of the plurality of protocols to which the system of Ganmukhi operates, because it would require less developmental costs to implement well-known standardized protocols rather than creating and implementing new ones.

Referring to claim 16, Ganmukhi discloses the system discussed above. Furthermore, Ganmukhi discloses that the first control unit is associated with a first network address and the second control unit is associated with a second network address (each of the control processors are implemented on separate cards that are inserted into a card cage and communicate over busses and back channels, therefore inherently there must be addresses associated with these cards in order for data to be sent to the active control processor (see figure 1 and columns 2,4 and 5)).

Referring to claim 17, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the second network address is derived from the first network address. However, it would have been obvious to one skilled in the art at the time of the invention to derive the first address from the second address, because doing so is merely a matter of design choice.

Referring to claim 18, Ganmukhi discloses a method of representing a plurality of physical data communication ports such that either one of a first control unit and a second control unit can communicate with any of a plurality of external devices communicatively coupled to both the first and second control units if the other of the first and second control units fails (see figure 1 and columns 1 and 2)). Ganmukhi does not disclose that the physical ports correspond to a plurality of logical data communications ports. However, Kinoshita discloses a

system wherein each physical port comprises a plurality of logical ports (see column 2 lines 31-50). It would have been obvious to one skilled in the art at the time of the invention to have the interfaces of Ganmukhi comprise a plurality of logical ports as discloses in Kinoshita because, as Kinoshita points out in column 2 lines 26-43, doing so would allow the interfaces to communicate with an increased number of other network nodes without having to increase the number of physical ports. Furthermore, Ganmukhi does not disclose that the method discussed above is performed using a storage medium in conjunction with a plurality of executable instructions (i.e. software based implementation). However, it would have been obvious to one skilled in the art at the time of the invention to implement the system of Ganmukhi in a software based manner rather than hardware based because software implementation are cheaper and more easily upgradeable than hardware implementations.

Referring to claim 19, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the system is operable to perform the steps of maintaining by the first control unit, first address data corresponding to the plurality of external devices; and maintaining by the second control unit, second address data corresponding to the plurality of external devices. However, Kinoshita discloses a switching system wherein a plurality of logical ports is associated with each of a plurality of physical ports, wherein the logical ports of each physical port are grouped together according to a virtual-LAN configuration and the switching system maintains addresses associated with the groupings (see columns 2-4). It would have been obvious to one skilled in the art at the time of the invention to have the control processors of Ganmukhi each maintain the address of a plurality of external devices, as taught in Kinoshita, as Kinoshita points out in column 2 lines 26-43, doing so would allow the interfaces to

communicate with an increased number of other network nodes without having to increase the number of physical ports.

5. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganmukhi.

Referring to claim 5, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the one or more data transmission protocols include OSPF. However, OSPF is a well-known standardized communications protocol. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include OSPF as one of the plurality of protocols to which the system of Ganmukhi operates because it would require less developmental costs to implement a well-known standardized protocol rather than creating and implementing a new one.

Referring to claim 7, Ganmukhi discloses the system discussed above. Furthermore Ganmukhi discloses that the system comprises a chassis (the apparatus comprises a chassis containing cards (see figure 1 and column 2 lines 39-42)) and at least one of the first and second control units is embodied within a second blade secured within the chassis (each control processor is embedded within a card that is inserted into a chassis (see figure 1 and column 2 lines 48-42)). Ganmukhi does not disclose that the non-volatile memory device is embodied within a first blade secured within the chassis. Rather Ganmukhi discloses that the non-volatile memory is incorporated within the control processors themselves (see figure 2 and column 4 lines 8-20)). However, it would have been obvious to one skilled in the art at the time of the invention to implement the non-volatile memory as a separate blade secured within the chassis

because doing so would allow such memory to be easily replaced if it becomes inoperable whereas in Ganmukhi if the non-volatile memory becomes inoperable the entire control processor would have to be replaced, which would be more costly. Furthermore, implementing the non-volatile memory on a separate blade would allow a user of the system to use whichever type of non-volatile memory he or she wishes (i.e. different brands, RAM, flash PROM, etc...) thereby making the system of Ganmukhi more flexible.

Referring to claim 8, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the first and second interfaces are embodied within an ASIC. However, it is well known in the art that ASIC devices are highly specialized processing circuit that are used to consolidate the operation normally performed by many chips into a single package, thereby decreasing board size (or the amount of space taken up by chips on a board) and power consumption. Therefore, it would have been obvious to one skilled in the art at the time of the invention to embody the interfaces of Ganmukhi within an ASIC because doing so would decrease board size required by the interfaces and reduce the power consumption by the interfaces.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganmukhi in view of Michelson (USPN 5481673), hereafter referred to as Michelson.

Referring to claim 11, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the network status information is maintained in a routing table. However, Michelson discloses a switching system wherein status information, such as the availability or unavailability of particular routes, is stored in routing tables (see claim 1 and column 4 lines 38-

43). It would have been obvious to one skilled in the art at the time of the invention to store status information in routing tables in the system of Ganmukhi, as taught in the system of Michelson, because doing so would allow the switching process of Ganmukhi to be performed in a more time-efficient manner. Namely, knowing the availability and unavailability of the links in Ganmukhi would help save processing time since routes that are not available would not be considered as possible data paths by the switch. Furthermore, the use of a routing table allows for a quick reference the switch can use to determine data paths and storing the status information in such a table will allow the switch to access the status of the determined paths all in one place (i.e. the routing table) rather than having to go to separate memories to gather such information, thereby further making the switching process of Ganmukhi more time-efficient.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganmukhi in view of Laor (USPN 6,147,996), hereafter referred to as Laor.

Referring to claim 20, Ganmukhi discloses the system discussed above. Ganmukhi does not disclose that the system performs layer 2 and/or layer 3 switching. However, Laor discloses of a switching system that performs layer 2 and layer 3 switching (see abstract and column 1 lines 46-52). It would have been obvious to one skilled in the art at the time of the invention to implement level 2 and 3 switching in the system of Ganmukhi because doing so would allow the switch to perform more operations such as processing packets independently and asynchronously and the reordering of packets into their proper order, as pointed out in Laor in column 1 lines 55-59, thereby making the system of Ganmukhi more versatile.

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***Conclusion***

8. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 5485453 to Wahlman et al.
- b. U.S. Patent Number 5909427 to Manning et al.
- c. U.S. Patent Number 6263415 to Venkitakrishnan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

April 14, 2003



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